

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TIMOTHY WAYNE CONNORS,
Petitioner,
vs.
STATE OF NEVADA, *et al.*,
Respondents.

Case No. 2:15-cv-01351-JAD-PAL

**Order Appointing Counsel and Denying as
Moot Motion to Extend time to File Amended
Petition and for Injunctive Relief**

[ECF 3, 4, 5]

10 This is a *pro se* petition for writ of habeas corpus under 28 U.S.C. § 2254. See ECF 1.
11 Petitioner has paid the filing fee. See ECF 2. This order resolves the three motions pending.

A. Motion for Appointment of Counsel

Petitioner has filed a motion for appointment of counsel. ECF 4. There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). Counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. See *Chaney*, 801 F.2d at 1196; see also *Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970).

22 Petitioner's claims do not necessarily appear unusually complex. But it appears that, due to
23 a state-court error in taking a state postconviction petition off calendar, a significant amount of time
24 has passed since petitioner's state-court trial and some subsequent proceedings. Petitioner is also
25 serving two consecutive sentences of life in prison without the possibility of parole. Therefore, the
26 court will appoint counsel to represent this petitioner for this action.

1 **B. Motion to Extend Time to File Amended Petition**

2 Because counsel is being appointed, the court anticipates that counsel will be filing an
3 amended petition. A schedule for that amended petition will be established in the near future. For
4 that reason, petitioner's *pro se* motion for extension of time to file an amended petition [ECF 3] is
5 now denied as moot.

6 **C. Emergency Request for Injunctive Relief**

7 Finally, petitioner has filed what he styled as an emergency request for injunctive relief.
8 ECF 5. He states that he attempted to mail portions of the record in support of his habeas petition
9 from prison but that prison personnel repeatedly returned the parcels to him, claiming various
10 reasons that the parcels did not comply with prison mail regulations and would not be mailed. As
11 petitioner will now have counsel to represent his interest and handle these documents, this motion is
12 also denied.

13 **Conclusion**

14 IT IS THEREFORE ORDERED that the clerk **DETACH** and **FILE** the petition [ECF 1].

15 IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel [ECF 4] is
16 **GRANTED**. The Federal Public Defender for the District of Nevada (**FPD**) is appointed to
17 represent petitioner. The Clerk of Court is directed to **ELECTRONICALLY SERVE** the FPD a
18 copy of this order, together with a copy of the petition for writ of habeas corpus. The FPD will have
19 until November 9, 2015, to file a notice of appearance or to indicate to the court its inability to
20 represent petitioner in these proceedings. Once counsel has appeared for petitioner in this case, the
21 court will issue a scheduling order that will, among other things, set a deadline for the filing of a
22 first amended petition.

23 IT IS FURTHER ORDERED that the **Clerk shall electronically serve a copy of this order,**
24 **together with a copy of the habeas petition, on respondents.** Respondents will have until
25 November 9, 2015, to file a notice of appearance.

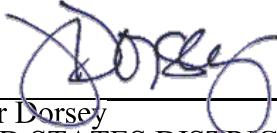
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1 IT IS FURTHER ORDERED that petitioner's *pro se* motions to extend time to file an
2 amended petition [ECF 3] and for emergency injunctive relief [ECF 5] are both DENIED as
3 moot.

4 Dated this 8th day of October, 2015.

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6 _____
7 Jennifer Dorsey
8 UNITED STATES DISTRICT JUDGE
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